

RECEIVED
CENTRAL FAX CENTER

DEC 13 2006

REMARKS

The Applicant appreciates the thorough review of the application by the Examiner and the indicated allowability of claims 24, 25, and 49 - 51. Reconsideration and allowance are requested.

No new matter has been added by the amendments. No new issues are raised by the amendments. Claims 24, 25, and 49 - 51 have been amended to put them in independent form and place them in condition for allowance. Claim 23 has been amended to overcome the 35 U.S.C. 112, second paragraph rejection.

Claims 22, 23, 47, and 48 are patentable under 35 U.S.C. 102(b) over Rebne et al. (US 5,019,125).

For an invention to be anticipated, it must be demonstrated that each and every element of the claimed invention is present in the "four corners" of a single prior art, either expressly described therein or under the principle of inherency. Lewmar Marine Inc. v Barient Inc., 3 USPQ2d 1766, 1767-1768 (Fed. Cir. 1987). The absence from prior art reference any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 230 USPQ 81, 84 (Fed. Cir. 1986). Because Rebne does not teach all of the elements of claims 22, 23, 47, and 48, all claims are patentable over Rebne under 35 U.S.C. 102(b).

Claim 22 is patentable over Rebne because Rebne does not teach a frame connected to a top of the blister package or an opener connected to the frame. The tray member 12 in Rebne is not connected to the blister package. Rather, the cartridge is placed inside the cavity of the tray member (Col. 1, lines 55-56, Col. 2, lines 58-60). The cartridge is contained within the device but is not connected to the tray member. This is an important distinction because the present

invention does not require enclosing the entire blister package, as is necessary in Rebne. The present invention may therefore be smaller and less bulky and complicated. In addition, the present invention is less likely to come apart or have the blister package become disassociated from the frame and can more easily prevent a child's use.

Furthermore, element 11 is not an opener, but rather a cover member (Col. 2, line 44). Hinged panel elements 23 - 26 open cartridge compartments, but they are not connected to the tray member 12. This is an important feature because the present invention, with the opener connected to the frame, is less likely to come apart and simpler to make and use. Just because element 11 contains elements that open does not make it an opener. A bus contains seats but is not a seat itself. The inventor describes element 11 best, as a cover. Because Rebne does not teach all of the elements of claim 22, claim 22 is patentable over Rebne under 35 U.S.C. 102(b).

Claim 23 is dependent on independent and patentable claim 22 and adds additional patentable features. Claim 23 adds that the frame covers the cover layer and that the opener comprises lifting tabs having ends hinged directly to the frame. Rebne does not teach lifting tabs hinged directly to a frame. The hinged panel elements 23 - 26 in Rebne are hinged directly to the cover member 11. The hinged panel elements in Rebne are also not lifting tabs. They are pushed downwards, not lifted upwards, during use. Nothing in Rebne teaches that the hinged panel elements are lifting tabs or can be lifted.

The Rebne tray member also does not cover the cover layer. A large portion of the cover layer is exposed. Because of that, a child could easily use the Rebne device, whereas the present invention is child-resistant. Because Rebne does not teach all of the elements of claim 23, claim 23 is patentable over all Rebne under 35 U.S.C. 102(b).

Claim 47 is patentable over Rebne because Rebne does not teach providing a frame

connected to sides of the blister package or an opener connected to the frame. Furthermore, claim 47 is not a method of using the apparatus of claim 22. Because Rebne does not teach all of the elements of claim 47, claim 47 is patentable over Rebne under 35 U.S.C. 102(b).

Claim 48 is dependent on independent and patentable claim 47 and adds additional patentable features. Claim 48 adds covering the cover layer with the frame and that the openers comprise lifting tabs having ends directly hinged to the frame. Rebne does not teach either of these elements. Because Rebne does not teach all of the elements of claim 48, claim 48 is patentable over Rebne under 35 U.S.C. 102(b).

Claims 22 and 47 are patentable under 35 U.S.C. 102(b) over Intini (US 4,537,312).

Because Intini does not teach all of the elements of claims 22 and 47, all claims are patentable over Intini under 35 U.S.C. 102(b).

Claim 22 is patentable over Intini because Intini is not a blister package opener apparatus and does not teach an opener connected to the frame. Intini is a child-resistant tamper-evident package that actually makes it more difficult to open a capsule-containing laminate, "requiring greater force" (See for example, Col. 5, lines 35-49, Col. 6, lines 37-40). The purpose of Intini is to keep a package closed. Element 12 is not an opener, but rather an outer front layer (Col. 4, lines 10-16). When outer back layer 14 is peeled off, it does not open the capsule containing laminate. Rather, some of the outer back layer material is left behind, making it more difficult to open the laminate (Col. 5, lines 35-49). Because Intini does not teach all of the elements of claim 22, claim 22 is patentable over Intini under 35 U.S.C. 102(b).

Claim 47 is patentable over Intini because Intini is not a blister package opener method and does not teach an opener connected to the frame. Furthermore, claim 47 is not a method of

using the apparatus of claim 22. Because Intini does not teach all of the elements of claim 47, claim 47 is patentable over Intini under 35 U.S.C. 102(b).

Claims 22, 23, 47, and 48 are patentable under 35 U.S.C. 102(b) over Ardito (US 4,074,806).

Because Ardito does not teach all of the elements of claims 22, 23, 47, and 48, all claims are patentable over Ardito under 35 U.S.C. 102(b).

Claim 22 is patentable over Ardito because Ardito does not teach a frame connected to a top of the blister package or an opener connected to the frame. The body member 12 in Ardito is not connected to the blister package. Rather, the tablet package is positioned within the body member and a cover member 14 is closed over it (Col. 2, lines 33-41). The package is contained within the device but is not connected to the body member. This is an important distinction because the present invention does not require enclosing the entire blister package, as is necessary in Ardito. The present invention may therefore be smaller and less bulky and complicated. In addition, the present invention is less likely to come apart or have the blister package become disassociated from the frame and can more easily prevent a child's use.

Furthermore, element 14 is not an opener, but rather a cover member (Col. 2, lines 7-9, 17). Tablet dispensing elements 34 do cause tablets to break the foiled bottom of the tablet package, but they are not connected to the body member 12. This is an important feature because the present invention, with the opener connected to the frame, is less likely to come apart and simpler to make and use. Just because element 14 contains elements that open does not make it an opener. The inventor describes element 14 best, as a cover. Because Ardito does not teach all of the elements of claim 22, claim 22 is patentable over Ardito under 35 U.S.C. 102(b).

Claim 23 is dependent on independent and patentable claim 22 and adds additional patentable features. Claim 23 adds that the opener comprises lifting tabs having ends hinged directly to the frame. Ardito does not teach lifting tabs hinged directly to a frame. The tablet dispensing elements 34 in Ardito are hinged directly to the cover member 14. The tablet dispensing elements in Ardito are also not lifting tabs. They are pushed downwards, not lifted upwards, during use. Nothing in Ardito teaches that the tablet dispensing elements are lifting tabs or can be lifted.

The Ardito body member also does not cover the cover layer. A large portion of the cover layer is exposed. Because of that, a child could easily use the Ardito device, whereas the present invention is child-resistant. Because Ardito does not teach all of the elements of claim 23, claim 23 is patentable over all Ardito under 35 U.S.C. 102(b).

Claim 47 is patentable over Ardito because Ardito does not teach providing a frame connected to sides of the blister package or an opener connected to the frame. Furthermore, claim 47 is not a method of using the apparatus of claim 22. Because Ardito does not teach all of the elements of claim 47, claim 47 is patentable over Ardito under 35 U.S.C. 102(b).

Claim 48 is dependent on independent and patentable claim 47 and adds additional patentable features. Claim 48 adds covering the cover layer with the frame and wherein the openers comprise lifting tabs having ends directly hinged to the frame. Ardito does not teach either of these elements. Because Ardito does not teach all of the elements of claim 48, claim 48 is patentable over Ardito under 35 U.S.C. 102(b).

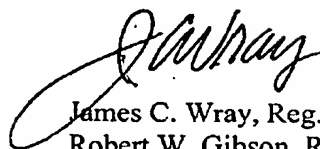
RECEIVED
CENTRAL FAX CENTER

DEC 13 2006

CONCLUSION

Reconsideration and allowance are requested.

Respectfully,



James C. Wray, Reg. No. 22,693
Robert W. Gibson, Reg No. 57,145
1493 Chain Bridge Road
Suite 300
McLean, Virginia 22101
Tel: (703) 442-4800
Fax: (703) 448-7397

Date: December 13, 2006